

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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FEDERAL TRADE COMMISSION

Plaintiff

-vs-

**NOTICE OF MOTION**

KELLY BRACE,

Defendant.

Civil Action No: 15-CV-875-A

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MOTION BY:

Frank M. Bogulski as attorney for  
Defendant Kelly Brace

DATE, TIME & PLACE:

Before Hon. Richard J. Arcara, United  
States District Court, 2 Niagara Square  
Buffalo, NY on a date scheduled by the court.

SUPPORTING PAPERS:

Affirmation of Frank M. Bogulski, Esq.  
dated October 30, 2017

RELIEF REQUESTED:

Order unfreezing Defendant's assets

DATED:

October 30, 2017  
Buffalo, New York

/s/ FRANK M. BOGULSKI  
FRANK M. BOGULSKI  
Attorney for Defendant  
*Kelly Brace*  
286 Delaware Ave. Suite B  
Buffalo, New York 14202  
(716) 649-0090

TO: James M. Morrissey, Esq.  
Matthew J. Wilshire, Esq.  
Michael D. White, Esq.  
Sangjoon Han, Esq.

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK

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FEDERAL TRADE COMMISSION

Plaintiff,

v.

**MOTION TO UNFREEZE  
ASSETS**

KELLY BRACE

Defendants.

**Civil Action No. 15-CV-875-A**

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I, Frank M. Bogulski, am an attorney licensed to practice in the State of New York, duly  
affirm the following:

1. I represent the Defendant, Kelly Brace, in the above-captioned matter.
2. On or about August 11, 2016, Mr. Brace and the Federal Trade Commission entered into a negotiated settlement of this matter.
3. Prior to settling the case, Mr. Brace's assets had been frozen pursuant to a temporary restraining order.
4. As of October 16, 2017, Mr. Brace has fully and completely satisfied all financial obligations required by the settlement. Consequently, we are bringing this motion to unfreeze his assets.
5. Attached as Exhibit A is an email from Simon Han from the Federal Trade Commission, indicating that the Government does not object to the unfreezing of Mr. Brace's assets.

**WHEREFORE**, Defendant Kelly Brace requests that the Court sign an order allowing for Mr. Brace's assets to be unfrozen.

DATED: Buffalo, NY  
October 30, 2017

/s/ Frank M. Bogulski  
Frank M. Bogulski  
Attorney for Defendant  
*Kelly Brace*  
286 Delaware Avenue, Suite B  
Buffalo, NY 14202  
(716) 649-0090

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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FEDERAL TRADE COMMISSION

Plaintiff

-vs-

**PROPOSED ORDER TO  
UNFREEZE ASSETS**

KELLY BRACE,

Defendant.

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Civil Action No: 15-CV-875-A

Whereas the Federal Trade Commission filed a lawsuit against:

- Braclaire Management, LLC
- Credit Clear Solutions, LLC
- Solidus Group, LLC
- Solidus Solutions, LLC
- Kelly Brace

Whereas the Court granted the FTC's request for a temporary restraining order. That temporary order also involved freezing Mr. Brace's business bank accounts as well his 401.K;

On or about August 11, 2016 the parties negotiated a settlement of the lawsuit;

Whereas part of that settlement involved making payment to the Federal Trade Commission;

On October 16, 2017, the Federal Trade Commission represented by Simon Han indicated the because Kelly Brace has paid all fines to the Federal Trade Commission they would consent to unfreezing all assets, including his 401.K;

**IT IS ORDERED:** The asset freeze of October 6, 2015 is hereby lifted and all of Mr. Brace's assets that were encumbered are now unfrozen and free for him to draw on.

**It is so Order, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.**

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Honorable Richard Arcara  
United States District Judge